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## FEDERAL BUREAU OF INVESTIGATION

Date of entry 10/16/2018

On Tuesday, September 11, 2018, Richard Gates was interviewed at the law offices of Sidely Austin, 1501 K Street N.W., Washington, DC 2005. Gates was being interviewed pursuant to an ongoing cooperation agreement entered into with the Office of the Special Counsel. Present for the interview were DOJ Senior Financial Investigator Kevin D. Constantine; FBI Special Agent Daniel Kegl; Assistant United States Attorneys Kristy Greenberg, Jane Kim and George Turner from the Southern District of New York; and Assistant United States Attorney Jason McCullough, DOJ National Security Division. Also present was Gates' attorney, Thomas Green. After being advised the identity of the interviewing parties and the purpose of the interview, Gates furnished the following information:

Note: Prior to the interview commencing, AUSA Greenberg reminded Gates that he had to be truthful with the interviewing parties and at anytime he wished to consult with his attorney (Thomas Green) he could do so. Gates verbally acknowledged that he understood.

**Skadden Report Background:**

Gates' initial involvement with Skadden Arps and the subsequent Skadden Report was when Paul Manafort (Manafort) contacted Gates about using one of their (Davis Manafort Partners) Ukrainian funded bank accounts in Cyprus to pay for an independent review of the imprisonment of former Ukrainian Prime Minister Yulia Tymoshenko. To the best of Gates' recollection, Manafort was put in contact with Greg Craig of Skadden Arps after speaking with Doug Schoen. Gates was unsure why Schoen referred Craig to Manafort.

**Skadden Report Media Strategy:**

Gates recalled Craig initially agreed to be involved in the overall media strategy, but FTI Consultants was subsequently hired to handle it. FTI was referred to Manafort via Craig.

Craig went back and forth on his role with the overall media strategy, but eventually agreed to talk with David Sanger of the New York Times. It was

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Investigation on 09/11/2018 at Washington, District Of Columbia, United States (In Person)

File # [REDACTED] Date drafted 09/17/2018

by CONSTANTINE KEVIN D, KEGL DANIEL


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UNCLASSIFIED//LES

[REDACTED]  
(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018, On 09/11/2018, Page 2 of 12

Gates' recollection that Craig mentioned having a good relationship with Sanger while at a meeting in DC. Craig believed his relationship with Sanger would give them a shot at a fair interview.

When FTI ultimately drafted their initial media strategy/plan, it had Craig playing a more active role. Craig pushed back, but compromised to reach out to a few media and political contacts.

Gates recalled that a few United States Legislators were contacted prior to the release of the Skadden Report; however, he could not recall who they were. Initially Craig was willing and felt comfortable reaching out to these elected officials, but Gates was unsure if he ever ended up doing so. However, Gates said Manafort told him Craig contacted people identified on the list of contacts.

Alex Van Der Zwaan was a Skadden Associate based in London and was brought on board because Skadden needed a Russian speaker. Van Der Zwaan ultimately became Craig's right-hand man in Ukraine and reported directly to Craig.

Gates was unsure why Skadden didn't file under FARA, but recalled they hired FTI because Craig and Skadden didn't want to be involved in a full blown media strategy. Gates recalled Manafort telling him Skadden was going to look into whether they needed to file under FARA.

Gates recalled having approximately two one-on-one meetings with Craig. He also attended meetings with Craig, Manafort and others in NYC once or twice. Manafort had more direct/regular interaction with Craig; however, Gates would regularly receive downloads from Manafort.

**Emails/Documents Shown to Gates:**

Tab 11 - Gates was shown an email chain with Bates stamps SAU 020823 - 020825 which was a conversation between Gates and Van Der Zwaan on May 1, 2012 with the subject "Re: Call". Gates was unsure the origin of the PR information; however, he believed this was around the time FTI was hired.

Tab 21 - Gates was shown an email chain and attachments with Bates stamps SAU 021116 - 021130 which was a conversation between Gates and Van Der Zwaan on July 17, 2012 with the subject "Project Veritas - Communications Strategy". Jon Aarons was Gates' initial contact at FTI; however, he was replaced by Jonathan Hawker because he (Aarons) was difficult to deal with.

Gates was questioned about the Skadden Report Strategy Section starting on page 5 of the attachment. Although the Report was not yet finalized, Gates

UNCLASSIFIED//LES

USA-0008080

UNCLASSIFIED//LES

[REDACTED]

(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018 , On 09/11/2018 , Page 3 of 12

said Craig provided an outline of the project to Manafort. It was around this time Manafort was pressuring Hawker to finalize the Media Plan.

Gates said it was "aspirational" the Skadden Report would conclude the trial of Tymoshenko was valid. In fact, the Skadden Report did not conclude the trial was valid.

The journalists identified on pages 9-10 came from Hawker and FTI. It wasn't until later on that Craig advised he had a better contact at the NY Times (Sanger).

Tab 22 - Gates was shown an email chain with Bates stamps SAU 021132 - 021133 which was a conversation between Gates and Van Der Zwaan on July 18, 2012 with the subject "Project Veritas - Communications Strategy". Gates said the reference from Van Der Zwaan that Greg and Pshonka wanted him to speak with Gates urgently involved two separate conversations Van Der Zwaan had with each.

As it related to his conversation with Craig, Van Der Zwaan told Gates that he sat down with Craig to discuss the plan and he (Craig) had concerns with the overall intensity of the plan.

As it related to his conversation with Pshonka, Van Der Zwaan told Gates Pshonka wanted additional people added.

Tab 24 - Gates was shown an email chain with Bates stamp SAU 030158 which was a conversation between Gates, Aarons, Hawker and Van Der Zwaan on July 29, 2012 with the subject "Re: Media Plan". Van Der Zwaan requested all discussions about the media plan be sent via private email. Van Der Zwaan indicated that after speaking with Craig about this arrangement he felt more comfortable with it.

Gates was also shown an attachment to Tab 24, a Memorandum from SL to PJM, dated July 27, 2012 with the subject "SA Report - Media Plan (Bates stamps SAU 030154 - 030157)". Item number 6 in the Report Release section referenced briefing a small number of international journalists in advance of the publication of the Skadden Report. Gates said at this stage they were still having discussions with Craig on what or what not he would be willing to do. Those discussions were primarily between Manafort and Craig and Gates would subsequently be briefed down by Manafort.

As previously mentioned, on occasion Gates communicated with Van Der Zwaan and Hawker via private email. They also communicated via telephone and in-person. Gates said they would use private emails to send draft sections of the Skadden Report to the Ministry of Justice (MOJ) and to also highlight

UNCLASSIFIED//LES

USA-0008081

UNCLASSIFIED//LES

[REDACTED]

(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018, On 09/11/2018, Page 4 of 12

changes to the Media Plan and Report. It was Gates' understanding that Van Der Zwaan was sharing all changes and updates with Craig. The private emails were used more as an intermediary so the conversations weren't sent through a Skadden server. Skadden wanted to maintain the perception of independence.

Gates never had a conversation with Craig about the use of private emails.

Tab 25 - Gates was shown an email from Gates to Van Der Zwaan with Bates stamp SAU 021141 on July 30, 2012 with the subject "Call". Gates assumed this was in reference to the revised Media Plan. When asked if Craig would have approved Van Der Zwaan furnishing an advance/draft copy of the Skadden Report, Gates said absolutely.

Tab 34 - Gates was shown an email from Gates to Van Der Zwaan with an attachment with Bates stamps SAU 147989 - 147994 on September 19, 2012 with the subject "Here". Gates said the attachment was a memo written by Manafort for Craig following up on suggested changes to the Skadden Report.

Gates was questioned about the Harvard Club (NYC) meeting between Manafort, Gates, Hawker and Craig. It was his recollection the purpose of the meeting was to push for the finalization of the Report and to discuss what Craig would be willing to do as part of the GR (Government Relations) and PR (Public Relations) rollout. Prior to the meeting, Manafort and Craig met alone to discuss Craig's assistance in the rollout. Manafort told Gates and Hawker he would be able to get Craig to agree to do a few things.

The actual meeting at the Harvard Club lasted approximately two hours, of which 45 minutes was spent discussing the Media Plan. In the end, although they were unable to get as much assistance from Craig on the Media Plan rollout, Craig agreed to provide an advance copy of the report and brief it to Sanger (NY Times). Gates said it was critical to have what was perceived to be a neutral article written by a prominent media outlet like the NY Times.

Sanger's name came up during both at the pre-meeting and the actual meeting. Gates said the reason for Sanger and the NY Times was for perception right out the box. Gates recalled Craig saying if he used Sanger he could help guide the story and set the stage. While Craig never expected the article to be 100% positive, he wanted the Report to be taken seriously and to not be considered a whitewash.

Tab 95 - Gates was shown an email and attachments which was a conversation between Hawker, Manafort, Gates, Konstantin Kilimnik, Craig and Van Der

UNCLASSIFIED//LES

USA-0008082

UNCLASSIFIED//LES

[REDACTED] (U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018 , On 09/11/2018 , Page 5 of 12

Zwaan with Bates stamps FTI 005805 - 005834 on September 23, 2012 with the subject "Documents". The documents referenced included an agenda for the Harvard Club meeting to discuss the proposed media plan. Gates confirmed a copy of the agenda was distributed to everyone in attendance at the meeting. Gates recalled they went through every item on the agenda to include the role of Craig. It was Gates' understanding Craig felt more comfortable talking with politicians (GR) on the background of the Skadden Report more than he did with the media (PR).

Action number 7 on the Master Control Grid called for the "Engagement with Bloomberg". Gates believed Craig volunteered to contact Bloomberg and it was on his list of items to do; however, he doesn't think he did.

Action Number 6 on the Master Control Grid called for Craig to meet with Cox and Kwaniewski. Gates did not believe these meetings ever took place.

The SA Report Media Plan Overview proposed leaking a copy of the Skadden Report to the Bloomberg Bureau in Washington, DC. As previously stated, Gates believed Craig volunteered to contact Bloomberg and while it was on his list of items to do, he doesn't think he did. That being said, Gates said if anyone would have leaked the Skadden Report to Bloomberg it would have been Craig.

Action Number 21 Master Control Grid called for Craig to brief the Ukrainian Commissioner for Human Rights. Gates did not recall Craig agreeing to do this.

Action Number 22 Master Control Grid called for Craig to Brief Cox and Kwaniewski. Gates recalled Craig agreed to do this prior to the Harvard Club meeting. As previously stated, Gates did not believe these meetings took place.

Action Number 24 Master Control Grid called for Craig to engage with US Media. Besides the NY Times (Sanger), Gates did not recall any other US Media contacted by Craig.

Action Numbers 25-30 Master Control Grid called for Craig travel to Brussels and Moscow for roundtable discussions. Gates believed Craig agreed to do this prior to the Harvard Club meeting; however, he said it never took place.

Action Number 21 Master Control Grid called for Craig to engage with US Political Stakeholders and the UK Ambassador to the US. Gates could not recall if Craig ever did this.

UNCLASSIFIED//LES

USA-0008083

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[REDACTED]

(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018, On 09/11/2018, Page 6 of 12

One of the documents attached by Hawker was the Project Veritas - Master Questions and Answer Document. Gates said this document was prepared by Hawker for the MOJ and would have been discussed at the meeting. Gates could not recall if Craig raised any concerns it.

Tab 40 - Gates was shown an email which was a conversation between Hawker, Gates and Van Der Zwaan with Bates stamps SAU 026067 dated September 24, 2012 with the subject "Problem". Gates did not recall what the problem was.

Tab 41 - Gates was shown an email and attachments which was a conversation between Hawker, Craig, Manafort and Gates with Bates stamps SAU 026698 and SAU 026701 - 026710 dated September 24, 2012 with the subject "Draft Messaging". Gates said this email and documents were shared post (after) the Harvard Club meeting in an effort to shore up the Media Plan.

Gates was shown an email chain with Bates stamps FTI 004504 - 004505 dated September 24-25, 2012 which was a conversation between Hawker, Craig, Manafort and Gates with the subject "Draft Messaging". Gates believed Craig had a follow-up call with Hawker and he (Hawker) then sent out a revised Media Plan.

Tab 96 - Gates was shown an email chain with Bates stamp FTI 002246 dated September 25, 2012 which was a conversation between Gates and Hawker. Gates recalled one of the issues Hawker needed to discuss with Craig was the validity of the Tymoshenko Trial. The MOJ wanted the Skadden Report to say the trial was valid.

Tab 42 - Gates was shown an email chain with Bates stamp PDG 00045001 which was sent by Gates to Mercury and Podesta on September 26, 2012 with the subject "Meeting Agenda". The body of the email referenced a meeting agenda for the DC Consultants (Mercury and Podesta). Gates said Mercury and Podesta had better connections for outreach to US Politicians and that Mercury would provide their recommendations for media outreach.

Tab 98 - Gates was shown an email chain and attachments between Gates and Hawker with Bates stamps SAU FTI 001385 - 001395 dated September 24, 2012 with the subject "Document". The documents attached were the Project Veritas Media Plan as modified after review by Mercury and Podesta. Al Hunt, Bloomberg, was identified as a US journalist to receive a background brief by FTI and Skadden. Gates believed Hunt's name was furnished by Vin Weber, but that it might have also come from Craig. Gates said there was no reference to the NY Times because it was already in the works and they didn't want anyone to know about the NY Times, to include Mercury and Podesta. Gates recalled having discussions about this matter with Manafort and Hawker.

UNCLASSIFIED//LES

USA-0008084

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(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018 , On 09/11/2018 , Page 7 of 12

Gates was questioned about the names of US contacts identified to be briefed (Bates stamp FTI 001392). Gates believed Harry Reid and Richard Durbin were included because Craig had a past relationship with them. Gates recalled Craig saying he would reach out to them. The other contacts came from Mercury and/or Podesta and Gates was unsure if they were ever briefed.

Tab 45 - Gates was shown an email and attachment which was a conversation between Hawker, Manafort, Gates and Kilimnik with Bates stamps FTI 003739 - 003743 dated October 2, 2012 with the subject "Master Grid". Gates stated the attachment was the European media rollout. According to Gates, the messaging would say the Skadden Report was independent and determined the Ukrainian Government did some things right and some things wrong. However, the Skadden Report would not state the Government was totally in the right.

The Domestic Strategy as referenced on Bates stamp 0037742 was a reference to the Ukrainian Domestic Strategy.

Tab 97 - Tab 45 - Gates was shown an email and attachment from Gates to Hawker with Bates stamps FTI 007384 dated October 2, 2012 with the subject "Matrix - Actions". Gates identified the attached document as the DC Consultant (Mercury and Podesta) Media Plan. Gates recalled at some point Mercury and/or Podesta expressed some hesitancy to use the NY Times because they did not think it would be a positive article.

Tab 48 - Gates was shown an email chain which was a conversation between Manafort, Gates, Hawker and Kilimnik with Bates stamp FTI 003135 dated October 5, 2012 with the subject "update". In the email Manafort requested a copy of the most recent Media Plan and referenced that GC (Craig) was coming back from the Middle East that day. Gates recalled Craig and Weber shared a client in the Middle East and were there together.

When questioned about the delay in releasing the Skadden Report, Gates recalled Craig asked them to hold-off so he could attempt to interview Tymoshenko again. Gates also recalled the MOJ had some concerns with the Skadden Report and there was talk about them not releasing it. Podesta also had concerns with how the Skadden Report would be perceived in the US.

It was also around this time Mercury was looking into reaching out to the media, to include Vin Weber speaking with Al Hunt.

Tab 99 - Tab 42 - Gates was shown an email chain and attachments between Gates and Hawker with Bates stamps FTI 025794 - 025807 on November 26, 2012 with the subject "Report". The Master Control Grid had a noted task

UNCLASSIFIED//LES

USA-0008085



UNCLASSIFIED//LES

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(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018, On 09/11/2018, Page 8 of 12

at 1700 for GC to provide background briefing at the request of the US Journalist on Tuesday at 1700. Gates said this was a reference to Craig reaching out to Sanger (NY Times).

The Master Control Grid also had a noted task at 2200 for Bloomberg to release story for print on Tuesday morning. To the best of his recollection this was going to be handled by Weber (Mercury).

Gates said it was around this time, or maybe even in October, Manafort had him tell Weber about Craig and the NY Times. Weber pushed back and asked why not the Washington Post.

Gates recalled the closer they got to the release of the Skadden Report it became clear Craig was going to be less involved in the overall Media Plan rollout.

Gates was unsure who put the reference to John Kerry on Bates stamp 025798 although they were aware Craig was close with him.

Gates could not identify anyone referenced from the USA Section (Bates stamps 025804 - 025807) that Craig agreed to reach out to.

Gates said it was Hawker's idea for a possible Vanity Fair article on Craig as referenced at 1900 on Bates stamp 025808. It was never pursued as far as Gates was aware.

Tab 100 - Gates was shown an email chain and attachment which was a conversation between Gates, Kilimnik, Manafort and Hawker with Bates stamps FTI 026136 on December 5, 2012 with the subject "Updated Docs". The attached Master Control Grid called for courtesy calls on December 12th. One of the individuals identified to call was Obama. Gates did not recall any discussions about reaching out to President Obama and opined it was most likely a reference to the Obama Administration.

Gates did not recall if Craig or anyone reached out to (Harry) Reid. It was also his understanding Mercury was going to reach out (John) Boehner.

The attached Master Control Grid called for the Report to be given to David Sanger of the NY Times who would then have an exclusive on the material for 24 hours. Gates recalled being aware of the date of this email that Craig had already reached out to Sanger. A copy of this Master Control Grid would have been sent/shared with Craig, Gates, Manafort and Kilimnik. Kilimnik would have then had it translated to share with the Ukrainian Government.

UNCLASSIFIED//LES

USA-0008086



UNCLASSIFIED//LES

[REDACTED] (U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018 , On 09/11/2018 , Page 9 of 12

Gates opined that individuals might have been added to the distribution list to help bolster the Media Plan to the MOJ.

It was the idea that either the Ministry of Foreign Affairs or Craig would reach out to the key stakeholders. However, Gates was unaware if anyone was actually contacted.

Steve Brown, Dan Flynn and an UNSUB were also hired by Manafort to conduct outreach during the rollout.

TAB 101 - Gates was shown an email from Hawker to Gates with Bates stamps FTI 026230 December 6, 2012 with the subject "Docs". Hawker informed Gates everything has gone to Alex's (Van Der Zwaan) gmail, but that he can't get a hold of Greg (Craig). Gates was unsure why Hawker was unable to get a hold of Craig. Gates said he can't say for sure that Craig saw the attached Master Control Grid; however, he recalled being told by Van Der Zwaan around the time of this email that Craig received the assignments.

Gates never heard Craig didn't want to talk with the NY Times.

Tab 55 - Gates was shown an email chain and attachment which was a conversation between Gates, Eckart Sager, Hawker, Kilimnik and Van Der Zwaan with Bates stamps SAU 030582 - 030592 on December 10, 2012 with the subject "Master Control Grid consult - SA Report.xlsx". Gates did not know if Craig saw the attached Master Control Grid, but said he sent it to Van Der Zwaan and opined he forwarded it to Craig.

Hawker was tasked to organize Craig's schedule to start (implement) the Media Plan rollout.

Tab 56 - Gates was shown an email chain which was a conversation between Gates, Sager, Van Der Zwaan and Alan Friedman with Bates stamps SAU 038013 on December 11, 2012 with the subject "Warsaw". It was Gates' understanding Craig was going to travel to Europe to brief a select group of European leaders, but had an issue with his flight. Sager wanted Van Der Zwaan to meet with members of the media, but Craig would not approve it. Gates said it was his speculation, and speculation only, Craig did not want anyone from Skadden besides himself doing any media outreach.

Gates did not know what happened regarding the off the record briefing request by ANSA.

It was Gates' understanding that Craig took a middle of the road approach when speaking with the NY Times (Sanger). Per a debrief by Manafort, he (Manafort) pushed Craig to be on record when speaking with the NY Times.

UNCLASSIFIED//LES

USA-0008087

UNCLASSIFIED//LES



(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018, On 09/11/2018, Page 10 of 12

Craig's willingness to engage the media showed a level of credibility for the Report and for the overall public perception of the findings. Manafort knew it was critical for Craig do it. Gates recalled there was a lot of give and take leading up to what Craig finally agreed to do. According to Gates, Craig was not only trying to please the client, but he also didn't want to damage his reputation.

Gates said Craig approached Manafort during the Summer (2012) to discuss additional work opportunities in the Ukraine. Those discussions continued into early 2013 and centered more on the business side and not GR. Van Der Zwaan was going to be Skadden's point person. Gates recalled Manafort telling him he helped arrange meetings between Craig and few Ukrainian Oligarchs.

Tab 102 - Gates was shown an email from Hawker to Gates with Bates stamp FTI 026366 on December 11, 2012 with the subject "In reception". Gates did not recall this email or what it was about.

Tab 103 - Gates was shown an email chain and attachment between Gates, Hawker and Van Der Zwaan with Bates stamps FTI 025218 - 025223 on December 11, 2012 with the subject "Contact List". To the best of his knowledge, no one from this list was contacted.

Tab 57 - Gates was shown an email from Gates to Van Der Zwaan with Bates stamps SAU 247167 on December 11, 2012 with the subject "Report". After reviewing this email and the last tab reviewed (Tab 103), Gates recalled instructing Van Der Zwaan to send a copy of the Skadden Report to those contacts identified. Gates opined that Mercury and Podesta would have done the advanced outreach.

Tab 58 - Gates was shown an email chain and attachment which was a conversation between Gates, Kilimnik, Van Der Zwaan, Sager and Hawker with Bates stamps SAU 007652 - 019858 on December 12, 2012 with the subject "Report - Information. Gates recalled being told by Van Der Zwaan that Cliff Sloan (Skadden) didn't want Van Der Zwaan meeting with any reporters. Gates also recalled there was concern about Manafort's and MOJ's input to the Skadden Report.

Tab 104 - Gates was shown an email chain and attachment which was a conversation between Gates, Kilimnik, Manafort, Sager and Hawker with Bates stamps FTI 027120 - 027124 on December 13, 2012 with the subject "Report Coverage". Gates recalled Manafort was a little upset with the NY Times article because it started off by saying Skadden concluded

UNCLASSIFIED//LES

USA-0008088

UNCLASSIFIED//LES



(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018, On 09/11/2018, Page 11 of 12

Tymoshenko's legal rights were violated and that she was wrongly imprisoned. The compromise was the article stated the prosecution wasn't politically motivated.

While Manafort wasn't happy with Craig's quote about leaving it to others the question whether the prosecution was politically motivated, the news article(s) would have been a lot worse if not for Craig speaking to Sanger (NY Times). According to Gates, this was the strategy and it was worth the risk.

Gates could not recall if Craig was upset about the article published in the Telegraph.

Gates was shown an email chain which was a conversation between Gates, Manafort and Sager with Bates stamps ES 00012 - 00015 on September 19, 2012 with the subject "an urgent request ON IT". Gates recalled this involved a pending US Senate Resolution re: Tymoshenko. Initially Gates could not recall having any discussions with Craig about reaching out to Durbin; however, it's possible during one of his one on one meetings with Craig he brought up the topic. Gates recalled Craig might have told him he would look into it and that he knew the people in the State Department. Although his take was Craig was reluctant to help at all, Gates still believed Craig was going to make the call.

Tab 35 - Gates was shown an email chain between Gates and Tony Podesta with Bates stamp PDG 00045091 on December 19, 2012 with the subject "URGENT". Gates acknowledged reaching out to Podesta and briefing him on the pending resolution and asking for his assistance. Gates recalled Podesta expressed a willingness to assist, but was unsure if he contacted anyone. However, Gates believed Podesta attempted to contact (John) Kerry.

**FARA:**

As previously stated, Gates recalled Skadden was looking into whether or not they needed to file under FARA and that they might have spoken with Ken Gross.

(Note: It was agreed to meet with Gates at a later date to further discuss FARA.)

**Miscellaneous:**

UNCLASSIFIED//LES

USA-0008089

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(U//LES) Richard Gates - September 11,  
Continuation of FD-302 of 2018, On 09/11/2018, Page 12 of 12

As mentioned in previous interviews, Gates used several encrypted email applications to include Viber. Gates would often use Viber to talk with Van Der Zwaan. He never used Viber or any encrypted application to communicate with Craig.

Gates identified the following two telephone numbers he had saved in his cell phone for Craig : [REDACTED] (Work) and [REDACTED] (Cell).

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